IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 3RD JULY 2007 / 12TH ASHADHA 1929

WP(C).No. 34189 of 2004(T)

PETITIONER:

MAYA GOVINDARAJ, `RADHIKA',
POONITHURA P.O., ERNAKULAM, KOCHI-682 317.

BY ADV. SRI.SAJU J.VALLYARA
SRI.B.K.JAYAMOHAN

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED BY SECRETARY TO GOVERNMENT, DEPARTMENT OF GENERAL EDUCATION, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF HIGHER SECONDARY EDUCATION, THIRUVANANTHAPURAM.

3. THE KERALA PUBLIC SERVICE COMMISSION, REPRESENTED BY ITS SECRETARY, THIRUVANANTHAPURAM.

BY ADV. SRI.P.C.SASIDHARAN, SC, KPSC
GOVERNMENT PLEADER SRI. A.J. VARGHESE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO. 34189/04

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. COPY OF THE HALL-TICKET (ADMISSION TICKET NO.12211) TO THE POST OF HIGHER SECONDARY SCHOOL TEACHER (MALAYALAM) ISSUED BY THE 3RD RESPONDENT

EXT.P1. COPY OF THE SHORT LIST OF HIGHER SECONDARY SCHOOL TEACHER (MALAYALAM) PREPARED ON THE BASIS OF WRITTEN TEST CONDUCTED ON 28.6.03.

/TRUE COPY/

PA TO JUDGE.

A.K. BASHEER, J.

W.P.(C). NO. 34189 OF 2004

Dated this the 3rd day of July, 2007

J U D G M E N T

Petitioner claims that she has got the requisite qualifications to be considered for selection to the post of HSST (Malayalam). Petitioner had applied for the above post in response to the notification issued by the Kerala Public Service Commission in the year 2001. It is on record that the Commission had published a ranked list of selected candidates on November 20, 2004. There were 261 candidates in the main list and 99 in the supplementary list. Petitioner did not find a place in any of the two lists.

2. It is contended by the petitioner that hundreds of candidates like her were denied the benefit of inclusion in the lists because of the cut off mark for eligibility fixed by the Commission. It is the case of the petitioner that more than 650 vacancies of HSST (Malayalam) were available at the time when the list was published. However, only 261 candidates were included in the main list. Petitioner has placed heavy reliance on the decision of their Lordships of the Supreme Court in ***State of Punjab and others v. Manjit Singh and others*** [JT 2003 Supplement (1) SC 343] in support of her plea that fixation of cut off mark without any rational basis is totally illegal and unjust. If there were no cut off marks more eligible candidates could have been included in the list, and all vacancies available

at the time of publication of the ranked list could have been filled up.

3. It is pointed out by the learned Standing Counsel that the exact number of vacancies had not been estimated at the time of publication of the list. All available vacancies which were reported had been advised. Thus the list had been exhausted.

4. As regards the contention raised against fixation of cut off mark by the Commission, it has to be noticed that petitioner has not produced any materials to show as to how the said prescription has adversely affected the right of the petitioner or other similarly placed candidates. It may be true that some more candidates might have found their place in the list. But that does not necessarily mean that the Commission was not entitled to adopt some yardstick while publishing the list from among thousands of candidates, who appeared for the examination.

In the above facts and circumstances, particularly in view of the fact that the list has been executed already, I do not find any reason to grant any relief to the petitioner at this stage. More importantly petitioner has not produced any material to substantiate her contentions.

The writ petition fails and it is accordingly dismissed.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007